

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 18-cv-683-bbc

JOSEPH D. MILLER, DAWN L. MILLER,  
LUKE ANDERS LALIBERTY, TRACTOR  
CENTRAL, LLC, ANDY F. BENSEND,  
FRONTIER AG & TURF, PORTFOLIO  
RECOVERY ASSOCIATES LLC,  
KRINGLE'S CUSTOM COMBINING,  
MIDLAND FUNDING LLC, MICHAEL  
SARAUER, CANDYCE SARAUER,  
NATURES EDGE THERAPY CENTER,  
INC., and J.K. DAIRY EQUIPMENT  
SALES, LLC,

Defendants.

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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The above-captioned matter having come before the Court to be heard, Honorable Barbara B. Crabb, United States District Judge for the Western District of Wisconsin, presiding without a jury, on March 20, 2019, the Plaintiff, United States of America, having appeared by its attorney, the Office of the United States Attorney for the Western District of Wisconsin, and no appearance having been made on behalf of the Defendants herein, except as may be noted on the record; the Clerk of the United States District Court for the Western District of Wisconsin having duly entered the default of Defendants Joseph D. Miller, Dawn L. Miller, Luke Anders Laliberty, Tractor

Central, LLC, Andy F. Bensend, Frontier Ag & Turf, Portfolio Recovery Associates, LLC, Kringle's Custom Combining, Midland Funding, LLC, Michael Sarauer, Candyce Sarauer, Natures Edge Therapy Center, Inc., and J.K. Dairy Equipment Sales, LLC; and the United States having filed a Notice of Application for Default and Motion for Default, with accompanying Declarations; and it further appearing that due notice of application and motion for judgment has been made to the Defendants, and the Court having heard the matter, therefore makes and files the following findings of fact and conclusions of law constituting its decision in this action.

FINDINGS OF FACT

1. The allegations set forth in the United States' complaint are accepted as true.
2. There is now due and unpaid on all Notes and Mortgages held by the United States as of March 20, 2019, the sums set forth in Attachment A.
3. The United States has incurred the following costs in this action: *See* Attachment A.
4. No proceedings have been had at law or otherwise for the recovery of the sum secured by said Notes and Mortgages.
5. The mortgaged premises are described as follows:

Lot 1 of Certified Survey Map No. 4926, Volume 34, Page 47, Document Number 693703, being a part of the Southwest Quarter of the Southeast Quarter of Section 7, Township 36 North, Range 13 West, in the Town of Lakeland, Barron County, Wisconsin.

Tax ID Number: 026-0700-17-000

6. The real estate is so situated that it cannot be sold in parcels without injury to the interest of the parties, and a sale of the whole will be more beneficial to the parties hereto.

7. Notice of the pendency of this action was duly given on August 30, 2018, after the filing of the Complaint herein, by filing a Notice of Lis Pendens in the office of the Register of Deeds for Barron County, Wisconsin. This was done in the manner and form required by law, after the filing of the complaint herein, and more than twenty (20) days prior to the trial or other resolution of this action.

8. The Defendants have not served an Answer or other response and the Clerk of Court has duly entered the default of said Defendants.

#### CONCLUSIONS OF LAW

9. The United States is entitled to judgment of foreclosure and sale of the mortgaged premises in the usual form, as requested in the United States' Complaint, and in accordance with the above Findings of Fact.

10. The United States is entitled to recover from the Defendants the following sum: *See Attachment A.*

11. The Defendants and all persons claiming under them subsequent to the filing of the notice of the pendency of this action be and hereby are forever barred and foreclosed of all right, title, interest, claim and equity of redemption in the mortgaged premises.

12. The mortgaged premises shall be sold as a whole.

13. That if necessary to secure possession of the premises, the Clerk of Court, upon application by the United States, shall issue a Writ of Assistance.

14. The Defendants shall not be granted a right of redemption.

15. Sale of the premises shall be conducted by or under the direction of the United States Marshal for the Western District of Wisconsin. Notice of the sale shall be made by publication in The Chronotype, the newspaper published in the City of Rice Lake, Barron County, Wisconsin.

16. Proceeds from the sale of the subject premises shall be paid first to satisfy Defendant's debt to the United States as set forth in Attachment A, plus necessary costs and disbursements.

17. Any remaining proceeds from the sale of the subject premises shall be subject to further order of the Court.

18. Deficiency judgment is not being sought in this action.

Now, on application of Plaintiff United States of America,

IT IS THEREFORE ORDERED that foreclosure of said mortgage in the usual form as provided by and in accordance with the above Findings of Fact and Conclusions of Law be entered in this action.

Dated this 20<sup>th</sup> day of March, 2019.

BY THE COURT:

Barbara B. Crabb  
BARBARA B. CRABB  
United States District Judge

*United States v. Joseph D. Miller, et al.*

Case No. 18-cv-683-bbc

ATTACHMENT A

Notes and Mortgages

a.	Principal as of March 20, 2019	\$204,974.18
b.	Interest as of March 20, 2019	<u>\$ 38,739.54</u>
	Total as of March 20, 2019	<u>\$243,713.72</u>

Costs and Disbursements

c.	Filing of Notice of Lis Pendens	\$ 35.00
d.	United States Marshals Fees	<u>\$ 807.33</u>
	Total Costs & Disbursements	<u>\$ 842.33</u>

**TOTAL AS OF MARCH 20, 2019** **\$244,556.05**